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## Rule 81. Applicability of Rules.

(a) **Applicability in General.** These rules shall apply to all civil proceedings cognizable in the circuit courts of this state except in those instances where a statute which creates a right, remedy or proceeding specifically provides a different procedure in which event the procedure so specified shall apply.

(b) **Actions Appealed From Lower Court.** These rules shall apply to civil actions which are appealed to a court of record and which are triable de novo.

(c) **Procedure Not Specifically Prescribed.** When no procedure is specifically prescribed by these rules, the court shall proceed in any lawful manner not inconsistent with the Constitution of this State, these rules or any applicable statute.

### **Comment Text:**

Addition to Reporter's Notes, 2001 Amendment: - The reference to chancery and probate courts in subdivision (a) has been deleted in light of Constitutional Amendment 80, which abolished these courts and established circuit courts as the "trial courts of original jurisdiction" in the state.

Addition to Reporter's Notes, 2008 Amendment: - Subdivision (b) of this rule has been amended to eliminate the circuit court's discretion about pleading again. The 2008 amendment to District Court Rule 9 requires pleading again in every civil case appealed to circuit court from district court. The change here conforms the two rules.

### **History Text:**

History. Amended May 24, 2001, effective July 1, 2001; amended October 9, 2008, effective January 1, 2009.

### **Associated Court Rules:**

Rules of Civil Procedure

### **Group Title:**

X. General Provisions

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